

105TH CONGRESS
1ST SESSION

S. 923

AMENDMENTS

In the House of Representatives, U. S.,

October 31, 1997.

Resolved, That the bill from the Senate (S. 923) entitled
“An Act to deny veterans benefits to persons convicted of
Federal capital offenses.”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. DENIAL OF ELIGIBILITY FOR INTERMENT OR***
2 ***MEMORIALIZATION IN CERTAIN CEMETERIES***
3 ***OF PERSONS COMMITTING FEDERAL CAPITAL***
4 ***CRIMES.***

5 *(a) PROHIBITION AGAINST INTERMENT OR MEMORI-*
6 *ALIZATION IN CERTAIN FEDERAL CEMETERIES.—Chapter*
7 *24 of title 38, United States Code, is amended by adding*
8 *at the end the following new section:*

9 ***“§2411. Prohibition against interment or memori-***
10 ***alization in the National Cemetery System***
11 ***or Arlington National Cemetery of persons***
12 ***committing Federal or State capital***
13 ***crimes***

14 *“(a)(1) In the case of a person described in subsection*
15 *(b), the appropriate Federal official may not—*

1 “(A) *inter the remains of such person in a ceme-*
 2 *tery in the National Cemetery System or in Arlington*
 3 *National Cemetery; or*

4 “(B) *honor the memory of such person in a me-*
 5 *memorial area in a cemetery in the National Cemetery*
 6 *System (described in section 2403(a) of this title) or*
 7 *in such an area in Arlington National Cemetery (de-*
 8 *scribed in section 2409(a) of this title).*

9 “(2) *The prohibition under paragraph (1) shall not*
 10 *apply unless written notice of a conviction or finding under*
 11 *subsection (b) is received by the appropriate Federal official*
 12 *before such official approves an application for the inter-*
 13 *ment or memorialization of such person. Such written no-*
 14 *tice shall be furnished to such official by the Attorney Gen-*
 15 *eral, in the case of a Federal capital crime, or by an appro-*
 16 *priate State official, in the case of a State capital crime.*

17 “(b) *A person referred to in subsection (a) is any of*
 18 *the following:*

19 “(1) *A person who has been convicted of a Fed-*
 20 *eral capital crime for which the person was sentenced*
 21 *to death or life imprisonment.*

22 “(2) *A person who has been convicted of a State*
 23 *capital crime for which the person was sentenced to*
 24 *death or life imprisonment without parole.*

25 “(3) *A person who—*

1 “(A) is found (as provided in subsection
2 (c)) to have committed a Federal capital crime
3 or a State capital crime, but

4 “(B) has not been convicted of such crime
5 by reason of such person not being available for
6 trial due to death or flight to avoid prosecution.

7 “(c) A finding under subsection (b)(3) shall be made
8 by the appropriate Federal official. Any such finding may
9 only be made based upon a showing of clear and convincing
10 evidence, after an opportunity for a hearing in a manner
11 prescribed by the appropriate Federal official.

12 “(d) For purposes of this section:

13 “(1) The term ‘Federal capital crime’ means an
14 offense under Federal law for which the death penalty
15 or life imprisonment may be imposed.

16 “(2) The term ‘State capital crime’ means, under
17 State law, the willful, deliberate, or premeditated un-
18 lawful killing of another human being for which the
19 death penalty or life imprisonment without parole
20 may be imposed.

21 “(3) The term ‘appropriate Federal official’
22 means—

23 “(A) the Secretary, in the case of the Na-
24 tional Cemetery System; and

1 “(B) the Secretary of the Army, in the case
2 of Arlington National Cemetery.”.

3 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
4 *the beginning of chapter 24 of such title is amended by add-*
5 *ing at the end the following new item:*

“2411. Prohibition against interment or memorialization in the National Cemetery System or Arlington National Cemetery of persons committing Federal or State capital crimes.”.

6 (c) *EFFECTIVE DATE.*—*Section 2411 of title 38, United*
7 *States Code, as added by subsection (a), shall apply with*
8 *respect to applications for interment or memorialization*
9 *made on or after the date of the enactment of this Act.*

10 **SEC. 2. CONDITION ON GRANTS TO STATE-OWNED VETERAN**
11 **CEMETERIES.**

12 *Section 2408 of title 38, United States Code, is amend-*
13 *ed—*

14 (1) *by redesignating subsection (d) as subsection*
15 *(e); and*

16 (2) *by inserting after subsection (c) the following*
17 *new subsection:*

18 “(d)(1) *In addition to the conditions specified in sub-*
19 *sections (b) and (c), any grant made on or after the date*
20 *of the enactment of this subsection to a State under this*
21 *section to assist such State in establishing, expanding, or*
22 *improving a veterans’ cemetery shall be made on the condi-*
23 *tion described in paragraph (2).*

1 “(2) For purposes of paragraph (1), the condition de-
 2 scribed in this paragraph is that, after the date of the re-
 3 ceipt of the grant, such State prohibit the interment or me-
 4 morialization in that cemetery of a person described in sec-
 5 tion 2411(b) of this title, subject to the receipt of notice de-
 6 scribed in subsection (a)(2) of such section, except that for
 7 purposes of this subsection—

8 “(A) such notice shall be furnished to an appro-
 9 priate official of such State; and

10 “(B) a finding described in subsection (b)(3) of
 11 such section shall be made by an appropriate official
 12 of such State.”.

Amend the title so as to read “An Act to amend title
 38, United States Code, to prohibit interment or memori-
 alization in certain cemeteries of persons committing
 Federal or State capital crimes.”.

Attest:

Clerk.